

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PAUL WHITE,

Plaintiff,

-against-

IMMIGRATION AND CUSTOMS
ENFORCEMENT (ICE) et al.,

Defendants.

21-CV-10210 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, currently incarcerated at Caroline Detention Facility in Bowling Green, Virginia, brings this action *pro se*.¹ Plaintiff has previously submitted to this Court a substantially similar complaint, in which he asserts claims arising out of the same November 5, 2020 incident of excessive force that he raises in this action. That case is pending in this Court under docket number 21-CV-9902. Because this complaint raises the same claims, no useful purpose would be served by the filing and litigation of this duplicate lawsuit. Therefore, this complaint is dismissed without prejudice to Plaintiff's pending case under docket number 21-CV-9902.

CONCLUSION

Plaintiff's complaint is dismissed without prejudice as duplicative. The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

¹ Plaintiff did not submit an *in forma pauperis* application or prisoner authorization form with this complaint, and he shall not be charged the \$350.00 filing fee for this duplicate action.

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket.

SO ORDERED.

Dated: December 1, 2021
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge